MR. K.K. CHELLAPPAN PILLAI: I may bring to the attention of the House that about a week ago some two or three labour workers were arrested, and some others for shouting "*inquilab zindabad*" on some previous days. But yesterday, Mr. Srikantan Nair, the President of the Factory Worker's Union was arrested and some others also were arrested: The Secretary of the Kisan Sabha is due to be arrested for shouting "*inquilab zindabad*"

PRESIDENT: Government have ordered that they will not allow the shouting of, "*inquilab zindabad*" inside the State. Those who disobey that order will be arrested and sent to jail.

MR. K. K. CHEELLAPPAN PILLAI: Mr. Srikantan Nair did not shout like that.

PRESIDENT: The words "*inquilab zindabad*" in ordinary civilized language means long live revolution. That is a cry which will not be allowed to be shouted in the streets and roads of Travancore. Government arrived at that concluion some six years ago and have been saying that over and over again.

MR. K. K. CHELLAPPAN PILLAI: These people were not arrested for shouting "*inquilab zindabad*".

PRESIDENT: What is the idea of the honourable member?

MR. K. K. CHELLAPPAN PILLAI These people were not arrested because they shouted "*inquilab zindabad*" As a conseqence of their arrest there is unrest among the labourers.

PRESIDENT: The question is whether the honourablo member has the leave of the House to move the motion.

MR. K. G. KUNJUKRISHNA PILLAI (*Legal Remembrancer to Government*): Sir, I object to it.

The motion was put and lost.

LEGISLATIVE BUSINESS.

AMENDMENT TO ORDER XXVIII OF THE CIVIL PROCEDURE CODE 1100.

MR. K. G. KUNJUKRISHNA PILLAI: Sir, I rise to present for the consideration of the House the proposed amendment to an Order under the Civil Procedure Code. I may, at the outset, point out for the information of the Honourable members that the procedure to be adopted in cases were amendments are tabled to Orders or Rules under the Civil Procedure Code is different from the procedure to be adopted in the case of amendments to other Bills. In the case of the amendments to the rules of the Civil Procedure Code, Sections 92 to 96 of the Civil Procedure Code have laid down a certain procedure. Under that procedure there is a rule which says that the Rule Committee shall first either draft rules or go through the rules and then the rules be finally approved by the High Court. Then it is sent to

LIBRARY ARCHIVES Kerala Legislative Assembly

the Legislature for its approval. Section 94 of the Civil Procedure Code psovides that such amendments may be considreed in the same manner as the report of a Select Committee sent up to the House. Therefore, in effect, it comes up as a Bill for a second reading. I therefore move that the Civil Procedure Code (Amendment) Bill be taken into consideration.

RAJYASEVAPRAVINA G. PARAMESWARAN PILLAI (*Chief Secretary to Government*): I second it. The motion was put and carried.

MR. K. G. KUNJU KRISHNA PILLAI: This amendment is proposed to be made to Order XXVIII of the Civil Procedure Code. Order XXVIII of the Civil Procedure Code relates to the procedure in cases specially applicable to soldiers serving under the Crown. Order XXVIII relates to suits by oragainst military men. Honourable members will see that these rules relate only to officers or soldiers really serving the Government in a military capacity. The amendment is proposed to enablethe soldier-and there are a large number of them-who serve His Majesty's Government as soldiers in the Indian Army. Difficulties have arisen in their cases when they had to defend themselves or file suits and therefore it was thought necessary that in such cases these amendments would enable the difficulties being removed. The amendment proposed is as follows;—

> "2A. The provisions of Rules 1 and 2 shall apply *mutatis mutandis* to any Indian Soldier as defined in the Indian Soldiers (Litigation) Act, 1116, and to any member of the Indian Navy".

This will enable a soldier to defend a suit or file a suit in a court of justice without being personally present in the Courts.

MR. V. SREEDHARAN PILLAI: I support the proposed amendment. Order XXVIII of the Civil Procedure Code relates to suits by or against soldiers. There is provison for an appeal to be preferred against a soldier in service. The proposed amendment has enlarged the scope of the Bill by including many more persons. I wish to invite the attention of the House to the fact that there is no provision to protect the properties of soldiers who are taken by the enemy. They cannot defend a suit in this country. There are many persons in enemy hands and they have got properties in the State. If trespasses are made on properties belonging to soldiers who cannot file a suit, there are attornies or mukthiars.

PRESIDENT: Does the honourable member refer to those in enemy countries?

MR. V. SREEDHARAN PILLAI: and persons incapable.

PRESIDENT: If the honourable member is referring to those in enemy countries, how are we to know that they are really not working for the enemies?

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. V. SREEDHARAN PILLAI: They have properties in the State. What is the protection that can be made with regard to their properties inside the State?

PRESIDENT: There is special provision for it.

MR. K. G. KUNJUKRISHNA PILLAI: I may at once say that this difficulty was felt and a Bill has been framed and is under consideration of Government. It will be promulgated very shortly when the difficulty pointed out by the honourable member will be solved.

MR. V. SREEDHARAN PILLAI: I wanted only to point out the difficulties of those persons who cannot file a suit.

PRESIDENT: There is a piece of legislation in regard to that matter under contemplation.

MR. K. G. KUNJUKRISHNA PILLAI: I move that the Travancore Civil Procedure Code (Amendment) Bill be passed.

MR. S. NARAYANA AIYAR (*Financial Secretary to Government*): I second it.

The motion was put and carried, and the amendment was passed.

THE TRAVANCORE WORKMEN'S COMPENSATION ACT (AMENDMENT) BILL.

MR. K. G. KUNJUKRISHNA PILLAI: Sir, I rise to introduce the Travancore Workmen's Compensation Act (Amendment) Bill. I move that the Bill be read in the Assembly.

MR. S. NARAYANA AIYAR: I second it.

MR. K. G. KUNJUKRISHNA PILLAI: Sir, this is a very short Bill. The Travancore Workmen's Compensation Act is based upon the British Indian Act of 1923. In that Act, among the definition of words, there is a definition defining monthly wages. These words were subjected to the interpretation that unless the workman who is employed is employed on a monthly basis he would not get the benefit of compensation. That difficulty arose in British India. To make the position clear and to benefit those who are not employed on a monthly basis, an Amendment was passed in British India. It is proposed to incorporate that amendment to section 5 of the Travancore Workmen's Compensation Act here also. The Amendment proposed is—

> (a) "For the words' "For the purposes of this Act the monthly wages of a workman shall be calculated" the following shall be substituted, namely:- " In this Act and for the purposes thereof the expression monthly wages' means the amount of wages deemed to be payable for a month's service (whether the wages are payable by the month or by whatever other period or at piece rates), and calculated"

The words in quotation will show that it is an improvement on the existing Act, and I commend it to the consideration of the House.

MR. P. N. KRISHNA PILLAI: (Co-opted) I have very great pleasure in supporting this amendment. It was passed in the Central Assembly in 1939. The definition of the word "workmen" is such that any anyone receiving up to the maximum wage of Rs, 300 a month comes within the ambit of the Act. The Madras High Court interpreted that anybody receiving weekly wage or daily wage does not get the benefit of compensation provided under the Act whereas the Bombay High

LIBRARY ARCHIVES Kerala Legislative Assembly